

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 77-39

ENFORCEMENT ORDER FOR ISSUANCE OF A TIME SCHEDULE

Order Directing the City of Pittsburg - Montezuma Plant (hereinafter discharger) to comply with requirements prescribed by the California Regional Water Quality Control Board, San Francisco Bay Region in Order No. 77-38 (NPDES permit No. CA0037508).

The California Regional Water Quality Control Board, San Francisco Bay Region finds that:

1. This Board on May 17, 1977, adopted Order No. 77-38 prescribing waste discharge requirements including a compliance time schedule for the City of Pittsburg - Montezuma Plant in accordance with the statutory requirements of the Federal Water Pollution Control Act and the California Water Code. The NPDES permit contains a compliance date of July 1, 1977, for achieving the secondary effluent limitations as required by the Federal Act.
2. The discharger has submitted evidence which documents that the above requirements contained in Order No. 77-38 cannot be achieved because of delays in completion of an Environmental Impact Statement. The delays were caused by local and other governmental agencies, which was beyond the City's control.
3. The discharger has submitted a time schedule by which he can achieve the requirements contained in Order No. 77-38.
4. The Board has notified the discharger and interested agencies and persons of its intent to adopt a time schedule for compliance.
5. The Board in a public hearing heard and considered all comments pertaining to this discharger's ability to achieve compliance.

IT IS HEREBY ORDERED, that in accordance with Water Code Section 13300, the City of Pittsburg, shall comply with Provision E.2.a of Order No. 77-38 according to the following time schedule:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Status report on completion of plans and specifications	-	October 15, 1977
Status report on completion of plans and specifications	January 1, 1978	January 15, 1978
Submit complete plans and specifications	May 1, 1978	May 15, 1978
Award construction contract	November 1, 1978	November 15, 1978

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Status report I on construction	-	July 1, 1979
Status report II on construction	-	February 1, 1980
Status report III on construction	-	October 1, 1980
Complete construction	March 1, 1981	March 15, 1981
Full compliance	May 1, 1981	May 15, 1981

2. This Order expires on August 1, 1981. This Board declares that it shall not undertake further enforcement action to bring the discharger into compliance with secondary effluent limitations by July 1, 1977 as contained in Order No. 77-38 provided:

- a. The discharger complies fully with all terms of the time schedule contained in this Order;
- b. The discharger complies fully with all terms of the permit with the exception of the provision E.2.a;
- c. Circumstances do not occur which would warrant modification of the permit or time schedule; and
- d. Circumstances do not occur which would warrant an action under Section 504 of the Federal Water Pollution Control Act.

The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 17, 1977.

FRED H. DIERKER
Executive Officer